

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JOHN GARNER,

Defendant.

14-CR-332-02 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court today, on the joint application of the parties, dismissed Count 2 of the Indictment, as infirm in light of *United States v. Davis*, 139 S. Ct. 2319 (2019). The Court then resentenced defendant Garner, based on his previous guilty plea to Count 1. As a result of the order dismissing Count Two, the Court dismissed the motion at Dkt. No. 95 as moot.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: February 11, 2021
New York, New York